IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

NOV 1 % 2003

OFFICIA

Applicants:

Morris Reichlin and Eugen Koren

Serial No:

09/768,155

Art Unit:

1644

Filed:

January 23, 2001

Examiner:

R. B. Schwadron

For:

METHOD FOR TREATMENT OF SLE

Commissioner of Patents and Trademarks Washington, D.C. 20231

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER AN ISSUED PATENT

Sir:

Petitioner, Oklahoma Medical Research Foundation, is the owner of the entire interest in the above-identified application and U.S. Patent No. 6,342,218, issued January 29, 2002, as evidenced by the accompanying Certificates under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,342,218, issued on January 29, 2002. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,342,218 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,342,218 as

OMRF 158 CIP CON 078617/00116

NO. 8013 P. 14

U.S.S.N. 09/768,155
Filed: January 23, 2001
TERMINAL DISCLAIMER TO

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION

OVER AN ISSUED US PATENT

shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,342,218: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as

The undersigned (whose title is supplied below) is empowered to act on behalf of Oklahoma Medical Research Foundation.

shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

OKLAHOMA MEDICAL RESEARCH FOUNDATION

By: _

Name:

.

tle: Vice President Busines

Date

5/28/03

ATL1#676747 v1

OMRE 158 CIP CON 078617/00116

Under the Porameon Reduction Art of 1996, no persons are required	PTG/SB/Be () Approved for use through 10/31/2643, Outp 666), U.S.Påters one Tradamain, Office; U.S. DEPARTMENT one state of the state				
STATEMENT IN	Aparceled for use through 1071/2626 to 0.5 Patent and Trademain Office; U.S. DispArtinega for Conservation of Intermedial Lecture is displaye a well of One Construit number of the Construit number o				
STATEMENT UNDER 37 CFR 1.73(b)					
Applicant/Patern Owner: Morris Reichlin and Er	igen Koren				
I "PPIISADON NO /Palent No - 09/769 166	Filedilesus Para James 32 2004				
Entitled: Method for Treatment of SLE	Theatistue Dale: 12011217 23, 2001				
Okishoma Medical Research Poundation a	(Millionation of A)				
(Name of Assignment) (Type of	Assignes, a g., derpotestan, puntre rithip, primarylin, government spuncy, stp.)				
	and the second second states, the second sec				
Males that It is:	·				
1. A the assignes of the entire right, title, and intere	st or				
& L. Bit Registers of land the state of the					
The extent (by, parcantage) of its ownership in in the patent application transmit identity.	erest is				
A A STATE OF THE PROPERTY IS NOT THE PARTY OF THE PARTY O	ue of either:				
A. (N) An easignment from the inventors of U.S. Serial patent application identified above is a continue States Patent and Transfer above is a continue	No Admon and a series				
palent application identified above is a continue	No. 08/800,682 filed Fabruary14, 1987, of which the tion. The assignment was recorded in the United 38. Frame 0860				
Ottos Falent and Trademark Office at Reel 84	38, Frame 0880.				
OR					
B. [] A chain of title from the inventor(s) of the natural					
B. [] A chain of title from the inventor(s), of the paten easignes as shown below:	depulication/patent identified above, to the current				
1. From:	-				
The document was recorded in the state to					
	- DITOP Which a coost there are a con-				
2. From:	Го				
I I I I I I I I I I I I I I I I I I I	States Palent and Trademork Office at				
e, riujit					
The document was recorded in the United S					
	tales Patent and Trademark Office at				
I The ampoint documents in the chain of title are	of for which a copy there is a mark				
Tomics of a	cales Patent and Trademark Office at				
INOTE: A senarate name of other documents in the cha	iales Palent and Trademark Office at				
(NOTE: A separate copy (i.e., the original assignment must be submitted to Assistance District Assignment must be submitted to Assistance District Assignment must be submitted to Assistance District Assistance District	isles Palent and Trademark Office at, of for which a copy thereof is attached. If the done is supplemental sheet. In of title are attached, document or a true copy of the original document.				
INOTE: A separate copy (i.e., the original assignment must be submitted to Assignment Division in accordance of the USPTO. See MPEP and the Capital See MPEP and the USPTO.	cates Patent and Trademark Office at, of for which a copy thereof is attached. If the done aupplemental sheet In of title are attached, document or a fine copy of the original document) are with 37 CFR Part 3, if the avaignment is to be				
in the characteristic of the documents in the characteristic of the characteristic of the characteristic of the user of the us	cates Patent and Trademark Office at, of for which a copy thereof is attached. If the done aupplemental sheet In of title are attached, document or a fine copy of the original document) are with 37 CFR Part 3, if the avaignment is to be				
in the characteristic of the documents in the characteristic of the characteristic of the characteristic of the user of the us	cates Patent and Trademark Office at, of for which a copy thereof is attached. If the done aupplemental sheet In of title are attached, document or a fine copy of the original document) are with 37 CFR Part 3, if the avaignment is to be				
(NOTE: A separate copy (i.e., the original assignment must be submitted to Assignment Division in accordance recorded in the records of the USPTO. Sas MPEP 30 auditable whose title is supplied below) is authorized.	inter Patent and Trademark Office at, or for which a copy thereof is attached. If the done a supplemental sheet In of title are attached, document or a true copy of the original document) are with 37 CFR Part 3, if the avaignment is to be 2.08]				
(NOTE: A separate copy (i.e., the original assignment must be submitted to Assignment Division in accordance of the USPTO. Sas MPEP 30 e undersigned (whose title is supplied below) is authority.	inter Patent and Trademark Office at, or for which a copy thereof is attached. If the done a supplemental sheet In of title are attached, document or a true copy of the original document) are with 37 CFR Part 3, if the avaignment is to be 2.08]				
(NOTE: A separate copy (i.e., the original assignment must be submitted to Assignment Division in accordance of the USPTO. Sas MPEP 30 e undersigned (whose title is supplied below) is authorities.	in of title are attached, of for which a copy thereof is attached. If sted on a supplemental sheet, in of title are attached, of courant or a true copy of the original document) are with 37 CFR Part 3, if the avaignment is to be seed to act on behalf of the assigness. If year opposite the part of the assigness.				
(NOTE: A separate copy (i.e., the original assignment must be submitted to Assignment Division in accordance of the USPTO. Sas MPEP 30 e undersigned (whose title is supplied below) is authority.	inter Patent and Trademark Office at, or for which a copy thereof is attached. If the done a supplemental sheet In of title are attached, document or a true copy of the original document) are with 37 CFR Part 3, if the avaignment is to be 2.08]				
inote: A separate copy (i.e., the objirms assignment be submitted to Assignment Division in accordance of the USPTO. Sas MPEP 30 e undersigned (whose title is supplied below) is authorities.	inter Patent and Trademark Office at profession of for which a copy thereof is attached. In fated on a supplemental sheet. In of title are attached, document or a true copy of the original document) noe with 37 CFR Part 3, if the swalgnment is to be compared to act on behalf of the assignment. If the swalgnment is to be compared to act on behalf of the assignment. If the swalgnment is to be compared to act on behalf of the assignment. If the swalgnment is to be compared to act on behalf of the assignment. If the swalgnment is to be compared to act on behalf of the assignment. If the swalgnment is to be compared to act on behalf of the assignment.				

PTO/S0/08 (08-06) *
Approved for use through 10/31/2072, OMB 086 1-0031

U.S. Perent and Through Critica, U.S. DEPARTMENT OF COMMUNICACE

U.S. Perent and Through It spring the Critical Provincial Communicación of Information Office of Particular OMD Communicación of Information OMD Communicación of Inf

		STATEMENT UND	ER 37 CFR 3.73(b)	
Appli	cant/Pateni Owner. Moco	is Reichlin and E	gen Koren	
	cation No./Patent No.:O8/	/800,682	filed/issue Date:	February 14, 1997
	ed: MEIHOD FOR TRE			
	how Medical Research Fo	ndation Gor	posstilon	
	(Nemo of Acaignee)			thip, university, government apency, etc.)
ştate	a that it is:			
1. 🖾	the assignee of the entire ri	ght, tilda, and interes	t; or	
2. 🗆	en assignae of less than the The extent (by, percentage)	e entire right, title an of its ownership int	d interest. erest is%	
In the	s patent epplication/petent ide	entified above by virt	lue of either:	_
A. [X]	An assignment from the inv was recorded in the United which is copy thereof is atta	States Patent and T	nt application/patent ident frademark Office at Real	blied above. The assignment 8468 Frame <u>9669</u> or for
OR				
B . }	A chain of title from the inve essignce as shown balow:	entor(s), of the pater	nt epplication/palent Iden	tilied above, to the current
	1. From:		_To:	
	The document was re	corded in the United	States Palent and Trad or for which a co	emark Office at py thereof is strached.
	2. From:		_To:	
	Reel	Frame	States Patent and Tradi	emark Office et py thereof is attached.
	3. From:		То:	
	The document was re Real	corded in the United Freme	States Patent and Tradi	emark Office at py thereof is attached.
	[] Additional documents	in the chain of title	are Ested on a suppleme	ntel sheet.
(A)	opies of assignments or other <u>AOTE</u> : A separate copy (i.e., to just be submitted to Assignment of the too ecorded in the records of the too	the original assignm ent Division in accor	ent document or a true c dance with 37 CFR Part	opy of the original document)
The u	nderalgned (whose title is suf		norized to ect on behalf o	f the essignee.
	May 14, d	<u>'00 [</u>		Kennedy
	/ Date/	(Buch 1X	or profiled name
				Technology Transf
				Titte